



February 27, 2019

**John J. Sullivan**

Direct Phone 212-453-3729

Direct Fax 646-461-2073

jsullivan@cozen.com

Hon. Vera M. Scanlon  
United States Magistrate Judge  
United States District Court for the Eastern  
District of New York  
225 Cadman Plaza East, 1214 South  
Courtroom 13A - South Wing  
Brooklyn, 11201

**Re: *Monadnock Construction, Inc. v. Westchester Fire Ins. Co./Westchester Fire Ins. Co. v. Glasswall, LLC, et al.* Case No: 1-16-cv-00420-JBW-VMS**

Dear Judge Scanlon:

We represent Defendant/Third-Party Plaintiff, Westchester Fire Insurance Company ("Westchester"). As we forecasted in our Position Statement attached as Exhibit A to the parties joint letter to the Court on February 15, 2019, Westchester hereby submits the attached addendum to Exhibit A.

Westchester does so because it believes that arguments made by Glasswall LLC ("Glasswall") in Section B of its Position Statement, Exhibit B of the same letter, fails to cite controlling Second Circuit law. Westchester did not see those arguments until the afternoon on which the February 15, 2019 joint letter was filed. On the other hand, Westchester previously disclosed the arguments that it included in its original Exhibit A in its earlier opposition to Glasswall's motion to release the Irrevocable Letter of Credit.

We hereby request that the Court accept this addendum in the interest of facilitating a full discussion of the relevant law.

Respectfully,

COZEN O'CONNOR

/s/ John J. Sullivan

By: John J. Sullivan

Enclosure